

REMARKS

The applicants have carefully reviewed the official action mailed on August 24, 2005, and the references cited therein. In the official action, claims 1, 2, 4, and 6-9 were rejected as unpatentable over Huskamp et al. in view of Baumeister et al., claims 3 and 5 were indicated as containing allowable subject matter, and claims 10-22 were withdrawn from consideration as directed to a non-elected species. By way of the foregoing amendments, claims 1, 3, 4, 7, and 8 have been amended to clarify the scope of protection sought. Accordingly, claims 1-22 remain pending in this application. In view of the foregoing amendments and the following remarks, the applicants respectfully request reconsideration of this application.

As an initial matter, the applicants would like to thank Examiner Mai for the courteous telephone conference conducted with the undersigned attorney on January 24, 2006. During the interview, the applicants submitted that the art of record fails to teach or suggest the use of a vacuum pressure while metallicity joining a core layer to a composite-material semi-finished product via a cover layer. The applicants suggested amending claim 1 to include language to more clearly set forth the use of a vacuum pressure during the joining of the core layer to the composite-material semi-finished product. Examiner Mai indicated that, as presented by the undersigned attorney, the amendment may overcome the outstanding rejections and that the applicants should file a paper including amendments and supporting remarks consistent with the undersigned attorney's oral remarks.

Turning to the outstanding rejections, claim 1, as amended, recites a process for producing a composite-material semi-finished product where a core layer is metallurgically joined to the composite-material semi-finished product via at least one oxide-free layer that is under a vacuum pressure during the joining of the core layer to the composite-material semi-finished product. The art of record fails to teach or suggest a process in which an oxide-free cover layer is under a vacuum pressure during the joining of a core layer to a composite-material semi-finished product, as recited in claim 1.

In contrast to the process recited in claim 1, Huskamp et al. teach pressurizing core material 13 with an inert gas to prevent the ingress of moisture and/or other gases into the metal shell 12. The shell is then sealed and the shell and the core material are then consolidated while the shell and core material are pressurized with the inert gas. See col. 4, lines 32-43 and col. 4, lines 56-65. Thus, the applicants submit that Huskamp et al. fail to teach or suggest the use of a vacuum pressure during the joining of a core layer to a composite-material semi-finished product, as recited in claim 1. Baumeister et al. also fail to overcome the above-noted deficiency of Huskamp et al.

As set forth above, none of the cited art teaches or suggests the use of a vacuum pressure during the joining of a core layer to a composite-material semi-finished product, as recited in claim 1. Thus, no combination of the cited art can render the subject matter of claim 1 obvious. Accordingly, the applicants respectfully submit that claim 1 and claims 2-9 dependent thereon are now in condition for allowance.

As final matter, the applicants respectfully request that the examiner reconsider her election of species requirement and examine claims 10-22 in this application. The examiner appears to assert that any patentable distinction between claims necessarily

results in a serious burden. The applicants respectfully submit that such a position is legally incorrect because patentably distinct claims would then always be subject to restriction, regardless of the amount of search and examination effort or burden associated therewith. However, in contrast to the examiner's position, it is clear that "if the search and examination of all the claims in an application can be made without *serious burden*, the examiner must examine them on the merits, *even though they include claims to independent or distinct invention*." See MPEP 803, emphasis added. In this case, the examiner has not provided any evidence of a serious burden other than making a general allegation that patentably distinct inventions always require "different searches and examination." However, as noted above, such evidence is insufficient because a patentable distinction itself does not constitute a serious burden.

In view of the foregoing, the applicants respectfully submit that claims 1-9 are now in condition for allowance. Additionally, the applicants renew their request for the examiner to consider claims 10-22 in this application. If the examiner believes that a telephone conference would facilitate the prosecution of this application, the examiner is urged to contact the undersigned attorney at the number below.

Respectfully submitted,

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